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AUG 27 2010

OFFICE OF PETITIONS

In re Patent No. 7,736,742 : DECISION ON REQUEST
Thomas, et al. : FOR
Issue Date: June 15, 2010 : RECONSIDERATION OF
Application No. 10/596,574 : PATENT TERM ADJUSTMENT
Filed: June 16, 2006 : and
Atty Docket No. ESSR:117US : NOTICE OF INTENT TO ISSUE
10607658 : CERTIFICATE OF CORRECTION

This is a decision on the petition filed on August 13, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred and eighteen (918) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred and eighteen (918) days is **GRANTED**.

Patentees' argument relative to the entry of 120 days of reduction to the patent term adjustment for the filing of foreign priority papers has been considered and is well taken. Patentees' maintain the reduction under 37 CFR 1.704(c)(10) should be 14 days, rather than 120 days.

37 CFR 1.704(c)(10) provides:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in

which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

In this instance, it is undisputed that patentee filed the foreign priority papers after the mailing of the notice of allowance. It is noted that the period of reduction to the patent term adjustment for the filing of foreign priority papers is 14 days, beginning on the date the foreign priority papers were filed, December 17, 2009, ending on the date the acknowledgement of the foreign priority papers was mailed, December 30, 2009. Accordingly, the period of reduction to the patent term adjustment of 120 is being removed and a period of reduction of 14 days entered.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges receipt of \$200.00 for the fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred and eighteen days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

In re Patent No. 7,736,742

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Enclosure: Copy of DRAFT Certificate of Correction

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,736,742 B2

DATED : Jun. 15, 2010

INVENTOR(S) : Thomas et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (812) days

Delete the phrase "by 812 days" and insert -- by 918 days--